7.0 FINDINGS, MITIGATION, AND COMMITMENTS

This chapter documents the findings, mitigation and commitments associated with the Preferred Alternative. The mitigation and commitments will be implemented during final design and construction of the project.

7.1 Findings

Major findings associated with evaluations conducted for the Preferred Alternative include those under the Clean Water Act (Section 404), The Endangered Species Act (Section 7), the National Historic Preservation Act (Section 106), Section 4(f) of the Department of Transportation Act and Executive Order 12898.

7.1.1 The Clean Water Act, Executive Order 11990, Department of Transportation Department Order 5660.1A

The Preferred Alternative will result in "no net loss of wetlands" for both natural wetlands and irrigation dependent wetlands, in compliance with Executive Order 11990, 23 CFR 777 and Department of Transportation Order 5660.1A. FHWA has a policy of no net loss of wetlands that is not dependent on wetland type or source of hydrology. Appendix B Response to Comments (Comments 1, 2 and 13), the results of subsequent consultation with the U.S. Army Corps of Engineers and the Environmental Protection Agency on April 5, 2006, and Section 5.1.2 of this FEIS and Section 5.11 of the DEIS support this finding.

7.1.2 Section 7 of the Endangered Species Act (ESA)

The Biological Assessment conducted for the project resulted in the following findings:

Table 7-1: Section 7 FIndings

Species	Finding
Canada Lynx (*Lynx canadensis*)	May affect, not likely to adversely affect
Gray Wolf (*Canis lupus)*	No effect
Bald Eagle *(Haliaeetus leucocephalus)*	May affect, not likely to adversely affect *Subsequent to the BA, the Bald Eagle has been delisted. See below.*
Yellow-billed Cuckoo (Coccyzus americanus)	May affect, not likely to adversely affect
Bull Trout, Steelhead, Spring/Summer Chinook Salmon, Sockeye Salmon	No effect
Utah Valvata Snail *(Valvata utahensis)*	May affect, not likely to adversely affect

The Yellow-billed Cuckoo (*Coccyzus americanus*) is a candidate species and does not have any special protection under ESA. Formal determinations of No Effect are not applicable to candidate species. However, effects of Alternatives 2 and 3 were evaluated, as described in the DEIS, and no effects upon this candidate species are expected.

Bald Eagles were recently removed from the USFWS list and are no longer listed under the ESA. Bald Eagles are still protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (MBTA). At the time they were de-listed, US Fish and Wildlife Service provided National Bald Eagle Management Guidelines. No Bald Eagle habitat will be taken as part of this project. The management guidelines will be followed.

Section 5.12 and 5.13 of the DEIS provide a full description of these findings. Appendix A Agency Coordination and Correspondence of this FEIS contains a concurrence letter from the USFWS.

7.1.3 Section 106 of the National Historic Preservation Act

For all of the historic resources potentially affected by the Preferred Alternative, a finding of "no effect" or "no adverse effect" was found and concurred with by the Idaho State Historical Society. This finding is included in Appendix A Agency Coordination and Correspondence contains the Determination of Eligibility and Determination of Effect letter from the Idaho State Historical Society.

7.1.4 Section 4(f) of the Department of Transportation Act

The Preferred Alternative will have *de minimus* impacts on the following resources that are subject to Section 4(f) of the Department of Transportation Act:

- District Canal
- Bypass Canal
- Hiawatha Canal
- Cove Canal
- Red Top Meadows
- Mizer Ditch
- Ketchum-Stanley Stock Driveway
- Comstock Ditch

7.1.5 The Clean Air Act (as amended 1990)

Preferred Alternative will have no adverse impacts on air quality and is in compliance with the Clean Air Act. Section 5.8 of the DEIS and Section 5.1.1 Air Toxics of this FEIS document the analysis of air quality impacts of the Preferred Alternative.

7.1.6 Executive Order 12898, Department of Transportation Order 5610.2, and FHWA Order 6640.23

Preferred Alternative will result in no disproportionately high and adverse effects on any minority or low-income populations. Section 5.3 Environmental Justice of the DEIS appended in CD ROM format documents the analyses supporting this finding.

7.2 Mitigation

The analysis of impacts in the DEIS documented in Chapter 5 Environmental Impacts included mitigation measures for many resources. This section of the FEIS documents those mitigation measures. They will be incorporated into the design of the Preferred Alternative and reflected in the construction documents. The section of the DEIS that contains this mitigation is referenced in parentheses.

7.2.1 Noise *(Section 5.7.3, page 5-27 of the DEIS)*

Pursuant to 23 CFR 772.11(c) and 772.13(c) and the ITD Noise Policy, a noise impact will occur at eight locations. Of these locations, mitigation is feasible at only two locations, Receptor 29 and Receptor 32.

ITD issued a revised Noise Policy in June 2007. It is part of Section 1300 of the ITD Environmental Process Manual. This policy was approved by FHWA Boise Division on June 20, 2007. Section 1350.03, page 11 of this policy states the following:

> Prior to implementation of a proposed noise wall, however, a majority of impacted property owners must agree that it is desirable. Desirability may be determined (with or without the assistance of consultants) at a public hearing, by petition, by mailed questionnaire/surveys, or as otherwise determined acceptable by the FHWA and ITD.

Section 1350.06 of the June 2007 policy further states:

> Noise abatement will not be implemented if the majority (50% +1) of the impacted people are in opposition or indifferent to noise mitigation. Opposition to barrier construction shall be documented in writing, such as formal surveys or petitions.

Comments received during preparation of the DEIS and on the DEIS referenced the undesirable impacts of noise barriers. These include the visual impact of a high barrier along the SH-75 Scenic Highway corridor, blocked views of the valley vistas and mountains, localized decrease in wildlife permeability that may trap animals on the highway, and possible restriction of future additional SH-75 access to properties. Based on these comments and concerns, the results of the survey or petition may not support the implementation of the two noise barriers.

If the majority of impacted people (50% + 1) support the noise barriers required to mitigate Receptors 29 and 32, ITD will apply for a site alteration permit or a conditional use permit or variance under Section 9-21A of the Blaine County Code. This County permit or variance will be required as the height of the noise barriers for Receptors 29 (10 to 12 feet high) and 32 (8 feet high) will exceed the Blaine County Scenic Overlay District height restrictions. As of the date of publication of this FEIS, ITD has contacted the owners of record of the properties directly impacted by the proposed noise barriers to determine their support for, or opposition to, the proposed barriers.

7.2.2 Floodplains *(Section 5.9.3, page 5-46 of the DEIS)*

Retaining walls adjacent to the waterway will be used at the new Big Wood River bridge and Trail Creek bridge to eliminate or minimize fill in the floodplain.

7.2.3 Vegetation *(Section 5.10.2.4 of the DEIS, page 5-50)*

Retaining walls adjacent to the waterway will be used at the new Big Wood River bridge and Trail Creek bridge to limit the amount of riparian vegetative clearing and fill required in the riparian vegetated area.

7.2.4 Wetlands Mitigation Concept Plan *(Section 5.11.5 of the DEIS and Appendix C SH-75 Timmerman to Ketchum Analysis of Boulder Flats Wetland Mitigation Concept Plan)*

Mitigation for wetlands will be implemented in accordance with the wetlands concept plan developed for the Boulder Flats area of the Sawtooth National Recreation Area, as revised and shown on Figure 5-4 of this FEIS. The final wetland mitigation plan will be developed in consultation with the Corps and EPA and will include the timing of the mitigation work, description of removal of artificial stream bank structures,

development of performance standards for the wetland mitigation site, and description of the legal means to ensure permanent protection of the mitigation site.

7.2.5 Relocations *(Section 5.4.4 of the DEIS, page 5-12)*

Mitigation for relocation of the affected homes and businesses will include the following:

- An acquisition and relocation plan will be prepared that identifies the process, procedures, and time frame for right-of-way acquisition and relocation of affected residences and businesses.
- The acquisition and relocation program will be conducted in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended. (Uniform Act). This act is explained in ITD's *Uniform Relocation Assistance and Real Property Acquisition Policies and Relocation Services* brochure.

Relocation resources will be made to all relocated residential and commercial properties without discrimination. If comparable dwellings are not available at the time the project is advanced to construction, the Housing of Last Resort of the Uniform Act will be used. This provision includes construction of a new replacement dwelling, rehabilitation of an existing replacement dwelling, and special financing arrangements at a reasonable cost.

7.2.6 Wildlife Mitigation *(Section 5.12.6 of the DEIS, page 5-77)*

Mitigation for impacts on wildlife from Preferred Alternative includes the following:

- Landscape restoration of disturbed areas within the unpaved right-of-way will be planted with a low-growing grass-forb plant community. The plant species mix used will be designed to deter deer, elk and other wildlife from resting and/or foraging immediately adjacent to SH-75 and within its unpaved right-of-way. This will help reduce the potential for wildlife to venture onto SH-75.
- Revegetated areas within the highway right-of-way will not be irrigated or have sprinkler systems to minimize the attractiveness of these areas for herbivore foraging opportunities and as a source of cover for small mammals.
- Woody plants exceeding 24 inches in height will not be used in highway right-of-way (ROW) revegetation. The use of a low-growing grass-forb plant community will make larger animals more visible to drivers, as well as reduce the attractiveness of the ROW for big game foraging.
- Disturbed areas will be revegetated adjacent to the Big Wood River bridge and Trail Creek bridge crossings and the Willow Creek and unnamed tributary culvert crossings to provide additional riparian cover for wildlife using these riparian travel corridors. This habitat improvement will increase the likelihood for an animal to cross beneath SH-75 at these perennial water crossings rather than at grade.
- The removal of mature cottonwoods and other riparian habitat values associated with bridge construction at the Big Wood River and at the Trail Creek crossings will be minimized by using retaining walls.
- Use of arched culverts at Willow Creek and Unnamed Tributary will improve the attractiveness of these crossings to small animals. The Unnamed Tributary is located just north of the US-20 and SH-75 intersection.
- Culverts on perennial streams or irrigation ditches will have beaver dam-proof structures on the upstream side.
- Replacement of existing culverts will be with a culvert design that facilitates small animal crossings of SH-75, incorporating design features that are attractive to small mammals and amphibians.

- Wherever new fencing is installed within ITD right-of-way, such fencing will be designed and built in accordance with IDFG "wildlife friendly" fencing specifications.
- Permanent wildlife crossing signs, flashing lights, and flagging will be installed along the project corridor at known big game crossing points. Known locations are the 2-mile segment south of Bellevue and the 9-mile segment that includes the Buttercup Road South hotspot segment and the Elkhorn Road South hotspot segment. The flashing lights will be operated during peak big game migration periods. These migration periods extend from mid-October to mid-November and from mid-May to late June.
- Impacts to wetland-associated species will be fully compensated by the wetland mitigation plan.
- The use of retaining walls at the Big Wood River bridge and Trail Creek bridge will minimize the loss of mature cottonwood trees in these riparian areas, thereby reducing potential impacts on bald eagle perching and roosting habitat.
- Winter habitat for the bald eagle occurs in the project area along the Big Wood River. As the Bald Eagle has been delisted since preparation of the DEIS, mitigation will be in accordance with the National Bald Eagle Management Guidelines, which ensures compliance with the Bald Eagle and Golden Eagle Protection Act and the MBTA.

7.2.7 Wildlife Habitat Permeability *(Section 5.12 Wildlife, pages 5-68, 5-71)*

Mitigation for wildlife habitat permeability includes the following three elements:

- Landscape restoration within the SH-75 right-of-way will be planted to a low-growing grass-forb plant community less palatable to deer and elk than the habitat types currently adjacent to SH-75.
- Arched culverts will be used to replace the existing corrugate metal pipe culverts at Willow Creek and the Unnamed Tributary to be more attractive to small animals crossing SH-75.
- The existing Trail Creek culvert will be replaced with single-span bridge, affording more horizontal space and vertical space to facilitate wildlife crossings.

7.2.8 Fisheries *(Section 5.13.5 of the DEIS, page 5-89)*

Measures to minimize adverse impacts to riparian/aquatic habitat and resident fish populations include:

- Natural-bottom culverts will be installed at Willow Creek and the unnamed tributary near the US-20/SH-75 Intersection to accommodate fish passage. Rock boulders and cobbles will be used to provide channel aquatic habitat and to further dissipate hydraulic energy within the culverts.
- Culvert hydraulics and water velocities under high and low flow conditions will be suitable for fish passage during all life stages (fry, juvenile, and adult).
- Culverts installed to provide fish passage will be appropriately sized to ensure that upstream water levels will be acceptable and that flow velocities will not be too high to inhibit fish movement through the culverts.
- Retaining walls will be used at the Big Wood River bridge crossing and at the Trail Creek crossing (if replaced) to minimize the amount of fill and vegetation removal required in riparian, wetland, and floodplain habitats.
- The wetland impacts and mitigation plan includes the stream channel impacts resulting from culvert installation in Willow Creek and the unnamed tributary and those resulting from bridge pier installation at the Big Wood River crossing.
- In conjunction with replacing the existing box culvert with a bridge at the Trail Creek crossing, the stream channel will be restored to a pre-culvert condition. The channel restoration concept will be to use small boulders, cobbles, and gravel to replicate riffle/glide habitat beneath the bridge.

7.2.9 Section 4(f) Properties *(Section 5.15.5 of the DEIS, page 5-130)*

The pre-disturbance condition of the Section 4(f) properties will be documented using black and white photographic documentation prior to construction of Preferred Alternative. ITD will submit this documentation to the Idaho State Historical Society State Preservation Office (SHPO). The SHPO will archive the documentation.

During construction, equipment will not be staged or placed on the canal or ditch banks outside the Area of Potential Effect (APE) to ensure that the banks are not crushed or disturbed. Construction-related fill will not be placed in the canals or ditches outside the APE.

7.2.10 Construction Mitigation

Construction of Preferred Alternative will have short term impacts on resources that require mitigation.

7.2.10.1 Water Quality *(Section 5.20.3.1 of the DEIS, page 5-153)*

To ensure water quality in the Wood River Valley is protected during construction, highway and drainage design features will be consistent with ITD's *Standard Specifications for Highway Construction* and with the Best Management Practices (BMPs) detailed in ITD's *Erosion and Sediment Control Manual* and in IDEQ's *Catalog of Storm Water Best Management Practices for Idaho Cities and Counties*. These standard specifications and BMPs will be incorporated into the construction contract documents, including the Storm Water Pollution Prevention Plan (SWPPP), requiring that the contractor adhere to such practices.

Adverse short- and long-term impacts on hydrology, floodplains, and water quality will be minimized or avoided by adhering to the following measures and BMPs. Construction documents will require the contractor to comply with these and all other applicable Federal, State, and local laws and regulations regarding the control and abatement of water pollution, storm water drainage and treatment, and floodplain protection during construction.

As with all projects involving waters of the United States, a Section 404 permit issued by the U.S. Army corps of Engineers will be required for project impacts on wetlands and waters of the U.S. The SH-75 project will require a Stream Alteration Permit from the Idaho Department of Water Resources (IDWR). These permits often incorporate regulations and stipulations on the management and maintenance of sediment control for storm water during the construction phase of a project.

Water quality certification from IDEQ and a National Pollutant Discharge Elimination System (NPDES) Storm Water Permit from the EPA will also be required. Various Blaine County, ITD, EPA, IDEQ, and other Federal and State agencies will also be involved during the permitting processes. The process established under the Clean Water Act, Section 404, ensures that Federal and State jurisdictional agencies will have the opportunity to comment on the permits and provide recommendations if desired.

Specific impact minimization and avoidance measures for the project construction will include the following:

National Pollutant Discharge Elimination System Storm water (NPDES) Permit: ITD will prepare an NPDES Storm Water Permit for Construction Activities, including a Storm Water Pollution Prevention (SWPP) Plan, consistent with ITD Standard Specifications for Highway Construction, Section 212, Erosion and Sediment Control. The SWPP Plan will focus on erosion-sensitive areas, sediment-sensitive areas, and the control and precautionary measures to be followed. This plan will include BMPs with a description of the maintenance schedule, drainage and culvert systems, pre- and post-construction hydrology, non-storm water discharges, waste disposal, dust control, re-vegetation, and monitoring procedures.

Sediment and Pollution Control Measures: These measures include the following:

- Water pollution prevention control measures will be scheduled and implemented to correspond with ground-disturbing activities.
- Within 100 yards of all natural waterways, fiber wattles or other similar erosion control measures (i.e., rock check dams and retention basins) will be installed during construction to control sediment. Fiber wattles will consist of certified "noxious weed free" material and manufactured from straw, coconut fiber or wood fiber. Fiber wattles will consist of a tube of straw, coconut fiber, or wood fiber with a minimum 8" diameter, 25-feet long and wrapped with biodegradable netting of natural fiber (jute, sisal, cotton, hemp, or burlap) that will have a life expectancy of approximately one year. The ends will be securely tied with biodegradable twine.
- When fiber wattles are used, the wattles will be placed around the perimeter of existing and new inlets, outlets, ditches, or channels to slow runoff velocity and capture sediments. The fiber wattles will be staked in place and adjacent wattles will abut each other. When sediment has filled-in to overflow behind the fiber wattles, new fiber wattles will be installed either upstream or downstream as directed. Fiber wattles will be left in place after final construction unless otherwise directed.
- Only clean, granular material, rock or aggregate will be used for the construction of temporary dikes and cofferdams for equipment operation and project construction.
- Re-vegetation of the disturbed riparian zone will be accomplished by preserving all topsoil, placing additional topsoil if needed, and planting selected rooted trees and woody vegetation along with an approved riparian seed mix. This will enable the area to recover quickly and with more mature vegetation providing an almost immediate restoration of stream bank and riparian areas. All introduced cobble will be removed and/or contoured to achieve a natural appearance in the project area.
- Activities with a high potential for causing sediment, such as cofferdam placement or stream diversion, will not be conducted during periods of high flow. All in-stream diversion, and bridge pier and culvert construction in perennial waterways will be conducted during the low flow season (November through March) and in accordance with all applicable permit conditions.
- Turbidity levels caused by construction activities will be limited to the increases permitted under the guidelines issued by the EPA and IDEQ for streams in the Big Wood River basin. When necessary to perform construction work within a stream channel, the prescribed turbidity limits may be exceeded for the shortest practical period required to complete such work, subject to permit conditions. Machinery for in-stream construction work will operate from the stream bank or an approved work pad or work bridge rather than within the stream channel.
- Construction specifications will require riprap/armor materials to be free of contaminants.
- Any and all sedimentation basins that may occur in the floodplain will be restored to a natural appearance and seeded with an approved riparian seed mix reflecting native vegetative patterns.
- Demolition of existing bridges may cause some debris to enter the stream flow. Debris entering the stream flow will be minimized through the use of a suspended canvas or similar catchment device under the bridge during demolition activities. Any large debris (concrete and/or asphalt) that falls into the stream will be removed daily.
- Excess soil and rock materials will not be stockpiled or disposed of near or in wetlands, riparian areas, floodplains, or other watercourse perimeters where they could be washed away by high water or storm water runoff, or will encroach upon the water body itself.
- Water pumped during construction will not enter watercourses or other surface water features (e.g., drainage ditches) without use of turbidity control measures. These may include settling ponds,

entrapment dikes, or other approved methods. Any wastewater discharged into surface waters will be free of settleable material.

- Approved upland seed mix will be used in conjunction with compost mulching in all disturbed areas to reduce sediment loading, encourage re-vegetation, and improve water quality.
- Erosion controls consistent with BMP's will be established on all disturbed ground by snowfall, and in a manner appropriate to prevent erosion through the ensuing winter.
- All retaining walls and fill placement work near the Big Wood River, Trail Creek, and other perennial drainages will be conducted during the low flow season (November through March).
- All construction waste material will be disposed of as specified by Federal, State, and County health and pollution control regulations.
- Construction specifications will require methods that prevent entrance or accidental spillage of solid matter, contaminants, debris, and other objectionable pollutants and wastes into flowing or dry watercourses or groundwater. Potential pollutants and wastes include, but are not limited to, refuse, garbage, cement, concrete, sewage effluent, industrial waste, oil, and other petroleum products.
- Inserts will be used as described in BMP #42 of IDEQ's catalog of BMPs to aid in the removal of sediment, oil, and litter from storm water before it is discharged into the Comstock Ditch. This catalog is at http://www.deq.state.id.us/water/data_reports/storm_water/catalog/index.cfm BMP 42 is at http://www.deq.state.id.us/water/data_reports/storm_water/catalog/sec_2/bmps/42.pdf
- Settling basin and infiltration swales will conform to BMP #43 of IDEQ's catalog of BMPs. BMP 43 is at http://www.deq.state.id.us/water/data_reports/storm_water/catalog/sec_2/bmps/43.pdf
- The potential for oil and fuel spills during construction will be minimized through careful handling and designation of specific equipment repair and fuel storage areas that are at least 100 feet away from surface waters.
- Oil, petroleum waste products, chemicals, and hazardous or potentially hazardous wastes will not be drained onto the soil, but confined in sealed containers for removal to approved disposal waste sites. Waste materials known to be hazardous will be disposed of in approved treatment or disposal facilities in accordance with federal, state, and local regulations, standards, codes, and laws. Hazardous waste materials will be transported in accordance with all applicable Federal and State safety standards.
- A hazardous material safety and communication plan will be required from each contractor with special emphasis on preventing hazardous materials from entering watercourses and wetland or riparian areas, or contaminating the ground or groundwater. In the event that any hazardous materials are spilled during project construction, the Blaine County Disaster Service Office Director and IDEQ will be promptly notified.
- Any wells located within acquired right-of-way will be relocated outside the right-of-way boundary if their current location cannot be retained.
- Retaining walls will be used at the Big Wood River crossing and Trail Creek bridge crossing to minimize the amount of fill located in floodplain, riparian, and wetland areas.

7.2.10.2 Vegetation *(Section 5.20.3.2 of the DEIS, page 5-156)*

Construction impacts on vegetation will be mitigated by the following:

- Construction specifications will require contractors to preserve the landscape and prevent any unnecessary destruction, scarring, or defacing of vegetation in the work vicinity. All trees, shrubs, and other vegetation will be preserved and protected from construction activities and equipment,

except where clearing and grubbing is required for fill, excavation, or other construction activities (e.g., retaining wall). All maintenance yards, field offices, and staging areas will be sited to preserve vegetation.

- Clearing and grubbing activities will be limited to that needed for project construction. All critical environmental areas including wetlands, riparian areas, stream corridors, and floodplains will be clearly delineated and marked with hazard fencing before the start of construction and avoided to the maximum practicable extent. Critical environmental areas will not be used for equipment, material storage, construction staging grounds and maintenance activities, or field offices.
- Excavated or graded materials will not be stockpiled or deposited near or on any waterways, steep slopes, or wetlands outside the approved footprint.
- As soon as an area is no longer needed for construction, stockpiling, or access, final site stabilization and landscape restoration measures will be initiated. Any lands disturbed and not permanently occupied by project facilities will be graded to provide proper drainage, covered with topsoil stripped from construction areas or stockpiled, scarified as needed, and revegetated with a low-lying, grass-forb seed mix that will be less likely to attract ungulates into the highway right-of-way.
- A retaining wall will be used at the Big Wood River bridge and Trail Creek bridge crossing to minimize the amount of fill and vegetative clearing required in wetland and associated riparian areas.
- The IDFG will be consulted to determine the final revegetation goals and recommended composition of plant species, planting dates, and seeding rates established for short- and long-term site stabilization and landscape restoration. The species mix to be used will be matched for soil drainage, climate, shading, resistance to erosion, and vegetation management goals.
- The contractors will be required to establish conditions suitable for reseeding or replanting, proper drainage, and erosion prevention. Mulching or other comparable methods will be used as a means of controlling dust and erosion, and to aid revegetation efforts.
- When no longer required by the contractor, any temporary access roads will be restored to their preconstruction original contours, graded to ensure proper drainage and erosion prevention, and made impassable to traffic. Temporary access road surfaces will be scarified to establish conditions suitable for reseeding or replanting and will be blocked from traffic to allow establishment of vegetation.
- Only certified and approved weed-free mulch will be used in accordance with the Noxious Weed-Free Forage and Straw Certification Rules (IDAPA 02, Title 06, Chapter 31).
- To ensure successful plant establishment, permanent plantings will occur during the early spring and/or fall when precipitation is sufficient for plant survival.
- To ensure successful plant establishment and long-term health and vigor, all plantings will be carefully monitored by ITD and the landscape contractor for a period extending at least through two growing seasons. If noxious weeds are identified during monitoring, measures will be taken by ITD or the landscape contractor to ensure that the landscape restoration effort succeeds.
- During the third growing season, ITD and Blaine County Weed Control will jointly conduct a final site review to determine whether a contingency revegetation plan is necessary. For the Boulder Flats wetland mitigation project, the USFS will also participate in this final site review and decision on whether the restoration is acceptable or whether a contingency plan is needed. A contingency plan will be developed by ITD and Blaine County, and with USFS for the Boulder Flats wetland mitigation site, if the landscape or wetland restoration effort is judged unacceptable by ITD on the road right-of-way, by the County on county lands, or by the USFS on Forest Service lands.

- A weed control management plan will be developed by the landscape contractor and approved by ITD prior to initiating construction. Measures to avoid the establishment and spread of noxious weeds will include at a minimum: (1) inspection and cleaning of all construction equipment, (2) use of weed seed-free mulches, topsoil and seed mixtures during landscaping and (3) use of eradication strategies in the event a noxious weed invasion occurs.

7.2.10.3 Wetlands *(Section 5.20.3.3 of the DEIS, page 5-157)*

Construction impacts on wetlands will be mitigated by the following:

- Before construction begins, wetland and riparian areas outside the project footprint or edge of ITD right-of-way will be staked and flagged or marked by perimeter fencing to identify the no-work area.
- Free flow of waters into and across wetlands will be maintained by installing culverts at existing grade.
- Erosion control on the filled grade of the right-of-way will be implemented with composted ungulate manure, fiber wattles and/or rock check dams.
- Embankments, bridges, and culverts will be designed to minimize adverse impacts on wetlands, riparian areas, and drainages.
- Impacted wetland plants and soils will be identified and salvaged to the maximum practicable extent prior to construction disturbance.
- Wetlands affected by accidental fill or construction equipment in no-work areas will be restored by removing the fill, restoring the area to its pre-existing grade, and replanting with native wetland plants similar in density and species composition prior to the disturbance.
- When construction activities commence, administrative and environmental controls will be in place to ensure that wetland/riparian areas outside the project footprint are protected.
- Erosion control measures will be used to ensure that sediment from construction areas does not reach wetlands, riparian areas, or streams.
- Any changes to the construction plans by either the contractor or ITD will require review and approval by the appropriate State or Federal agency if there is the potential for impacts on wetlands or waters of the U.S. not previously identified.
- Contract specifications will ensure that all contractors are aware of Section 404 and Stream Alteration Permit conditions and of the various plans and measures developed to control and minimize wetland, riparian, and stream alteration impacts during construction. ITD will monitor contractor activities to ensure all permit conditions are met.
- Restoration of temporarily disturbed wetlands will include rough grading, if necessary, and revegetation to approximate pre-project conditions. Soils and wetland plants salvaged prior to construction will be used for onsite restoration.

7.2.10.4 Fisheries *(Section 5.20.3.4 of the DEIS, page 5-158)*

Implementation of the BMPs and other environmental protection measures required by ITD, Corps, and IDEQ during project construction and the period required for site stabilization and landscape restoration will avoid or minimize these impacts. These measures will ensure that the Big Wood River's TDMLs for suspended sediment and substrate sediment loads will not be exceeded. Such exceedence could result in adverse effects on aquatic/benthic organisms, and a reduction in pool habitat, fish egg incubation/emergence, food intake, and the availability of gravel substrate for spawning. With impact avoidance and mitigation measures successfully applied, increased turbidity and sediment levels during construction will be temporary, minor, and within acceptable limits.

All in-stream diversion work, bridge pier construction work, and culvert installation in perennial waterways will be conducted during the low flow season (November through March) and in accordance with all applicable IDWR stream alteration and Corps 404 permit conditions. The water quality, vegetation, and wetlands construction-related avoidance, minimization and mitigation measures and associated BMP's will mitigate any potential adverse impacts on riparian and aquatic habitat.

7.2.10.5 Traffic *(Section 5.20.4.1 of the DEIS, page 5-161)*

Mitigation of traffic and access impacts during construction will be provided by a traffic control plan to be prepared by ITD in accordance with ITD standard traffic control drawings and the Manual of Uniform Traffic Control Devices. The traffic control plan will provide for the maintenance of two-way traffic on SH-75 during construction. The traffic control plan will provide for access to all existing legal access points, including residences, businesses, farming operations, and arterial streets.

A public information plan will be developed and implemented to inform Wood River Valley residents, businesses, visitors and other users of the SH-75 corridor of construction phasing, detours, and durations.

7.2.10.6 Noise *(Section 5.20.4.2 of the DEIS, page 5-162)*

Construction noise will be mitigated by the following:

- Limiting construction activities to between 7 a.m. and 10 p.m. will reduce construction noise levels during sensitive nighttime hours.
- Equipping construction equipment engines with adequate mufflers, intake silencers, and engine enclosures will reduce their noise by 5 to 10 dBA (U.S. EPA, 1971).
- Turning off construction equipment during prolonged periods when equipment is not in active use will eliminate noise from construction equipment during those periods.

7.2.10.7 Air Quality *(Section 5.20.4.3 of the DEIS, page 5-162)*

Construction air quality impacts will be mitigated by the following:

- Spraying exposed soil with water to reduce PM10 emissions and deposition of particulate matter.
- Covering all trucks transporting materials, to substantially reduce particulates blowing off trucks during transportation.
- Wetting materials in trucks or providing adequate freeboard (space from the top of the material to the top of the truck) to reduce PM10 emissions and deposition of particulates during transportation.
- Providing wheel washers to remove particulate matter that will otherwise be carried off site by vehicles.
- Removing particulate matter deposited on paved public roads to reduce potential muddy areas.
- Routing and scheduling construction trucks to reduce traffic delays during peak travel times and reduce secondary impacts on air quality.
- Using well-maintained equipment and appropriate emission control devices on all construction equipment powered by gasoline or diesel fuel, to reduce CO emissions in vehicular exhaust.

7.2.10.8 Hazardous Materials *(Section 5.20.4.4 of the DEIS, page 5-163)*

For the structures that will be demolished by Preferred Alternative 2, the potential for asbestos-containing materials will be determined by an Air Hazard Emergency Response Act (AHERA) certified person. After the analysis results of any potential materials are received, materials and locations that contain more than 1% asbestos by weight will be handled in accordance with the EPA Occupational Safety and Health Act of 1971 standards prior to demolition or removal.

During construction, should an unanticipated discovery of hazardous waste or contamination be uncovered that has not been identified in the initial and/or preliminary site assessment, a detailed site investigation will be completed to quantify the problem and expedite remediation. Consultation with IDEQ during this process will occur.

Accidental spills of toxics through construction activities will be avoided or minimized through adherence to BMP's specified in 5.20.4.1 Water Quality.

7.2.10.9 Socio-Economic *(Section 5.20.4.5 of the DEIS, page 5-164)*

A public information program will be developed and implemented to keep travelers advised during the construction period.

7.3 Commitments

In addition to the mitigation measures described in Section 7.2 above, ITD made a number of commitments during the EIS process and as a result of the additional coordination documented in Section 6.0 of this FEIS.

These ITD commitments include:

- ITD will create a SH-75 Corridor Operations Management Team composed of representatives from ITD, Blaine County, Mountain Rides, and the Cities of Bellevue, Hailey, Ketchum and Sun Valley for the purpose of developing and implementing a program to meet the four requirements for potential conversion to peak hour HOV operations for McKercher Boulevard to Elkhorn Road, as described in Section 2.4 of this FEIS. The members of the Operations Management Team will enter into a Memorandum of Understanding to commit the resources to comply with the four requirements and to develop and provide documentation to ITD that the conditions have been met.

  Formation of this Corridor Operations Management Team will occur once funding for construction of the final section of the SH-75 corridor between McKercher Boulevard and Elkhorn Road has been approved in the State Transportation Improvement Plan. ITD will be responsible for initiating formation of the Corridor Operations Management Team at that time.

- ITD will continue working with each of the Cities of Ketchum, Sun Valley, Hailey and Bellevue to help determine, fund and implement SH-75 traffic calming and pedestrian improvements within the existing SH-75 right-of-way within their respective cities. ITD will obtain any additional environmental clearances or permits that may be required for these improvements.

- ITD will conduct additional coordination with the Environmental Protection Agency and the U.S. Army Corps of Engineers regarding the Big Wood River Bridge design during the design phase of the project. EPA clarified that additional information is needed concerning the specific Big Wood River bridge design to fully understand and evaluate the impacts of the bridge and to ensure that it meets the Section 404(b)(1) guidelines of the Clean Water Act. EPA therefore requested additional coordination during the final design of this bridge. This coordination may result in minor changes to the bridge design that will further minimize impacts to the riparian environment and further reduce impacts to riparian wetlands.

- ITD will provide EPA and the IDEQ with a sediment/erosion control plan. Upon approval, ITD will use that approved plan in their NPDES permit as part of their SWPPP. It will also be reflected in their construction plans and specifications to provide the necessary BMPs that will provide reasonable assurance that discharges will be protective of the Big Wood River, particularly where the road crosses the Big Wood River.

- ITD will evaluate additional air quality construction mitigation requirements at the time the construction specifications are being developed for the project.
- ITD issued a revised Noise Policy in June 2007. It is part of Section 1300 of the ITD Environmental Process Manual. This policy was approved by FHWA Boise Division on June 20, 2007. Section 1350.03, page 11 of this policy states the following:

  Prior to implementation of a proposed noise wall, however, a majority of impacted property owners must agree that it is desirable. Desirability may be determined (with or without the assistance of consultants) at a public hearing, by petition, by mailed questionnaire/surveys, or as otherwise determined acceptable by the FHWA and ITD.

  Section 1350.06 of the June 2007 policy further states:

  > Noise abatement will not be implemented if the majority (50% +1) of the impacted people are in opposition or indifferent to noise mitigation. Opposition to barrier construction shall be documented in writing, such as formal surveys or petitions.

  If the majority of impacted people (50% + 1) support the noise barriers required to mitigate Receptors 29 and 32, ITD will apply for a site alteration permit or a conditional use permit or variance under Section 9-21A of the Blaine County Code. This County permit or variance will be required as the height of the noise barriers for Receptors 29 (10 to 12 feet high) and 32 (8 feet high) will exceed the Blaine County Scenic Overlay District height restrictions. As of the date of publication of this FEIS, ITD has contacted the owners of record of the properties directly impacted by the proposed noise barriers to determine their support for, or opposition to, the proposed barriers.
- ITD will negotiate with Mountain Rides and the City of Bellevue to determine the mechanisms by which the ITD owned land located at Gannett Road and SH-75 will be made available for a park and ride lot.
- ITD will work with the City of Hailey to obtain additional input and analyses prior to implementation of a traffic signal at the intersection of Myrtle Street and SH-75.
- Regarding the relocated Harriman Trail in the Boulder Flats area, ITD will consider the following during final design of the wetlands mitigation plan, provided that no additional impacts to wetlands or cultural resources or additional cuts into the terrain will result:
  - Construction of the relocated Harriman Trail to the same standards and cross-section as the existing trail.
  - Set backs from the relocated SH-75 to provide adequate snow storage removal without impacting the trail.
- ITD will examine the results of the Quiet Pavement Pilot Programs and their potential applicability and sustainability for SH-75 during final design as part of the pavement design process.

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